

MEMORANDUM

Town of Mansfield
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To: Mansfield Town Council
CC: Matthew Hart, Town Manager; Gregory Padick, Director of Planning; Mike Nintean, Director of Housing and Building Inspection
From: Peter Kochenburger, Councilmember
Date: March 18, 2010
Re: Proposed Ordinance Regarding Off Street Parking on Residential Property

The Ad hoc committee on Ordinance Development and Review met on February 26th and March 11th to discuss the 1/11/10 draft ordinance regarding Off Street Parking on Residential Property. The minutes from these meetings are attached. At the committee's March 11th meeting, members agreed upon a number of potential ordinance revisions and it was unanimously agreed to recommend, subject to the Town Attorney's review, that a revised draft ordinance be presented at a new public hearing. Subsequently, the Town Attorney reviewed these committee-endorsed proposed revisions and a few additional technical changes were incorporated into the draft approved at the March 11th meeting..

Proposed revisions included in the attached 3/16/10 draft include:

1. Revisions to Section 3 Findings and Purpose to clarify and amplify the ordinance intent;
2. Revisions to Section 5 Applicability to incorporate new provisions for a resident owner exemption;
3. Revisions to Section 6 Parking Space Site Plan Requirements to clarify that the new requirements only apply in the rental certification zone, to eliminate a 20 foot setback from streets, to reduce from 10 to 5 feet the required setback from sidewalks/bikeways and to eliminate a requirement that spaces be within 20 feet of a driveway;
4. Revision of Section 7 Fees to increase from \$25 to \$35 the required fee;
5. Revisions to Section 8 Modification of Parking Space Site Plan to authorize staff to accept modifications of these requirements in existing parking areas without traffic safety or neighborhood impact problems even if the criteria of Section 6 are not met; and
6. Revision to Section 10 Enforcement; Violations, Citations and Fines to include a warning reference for initial or infrequent violations that are not considered a significant traffic safety or neighborhood impact problem

At the 3/22/10 Town Council meeting, Committee members will be prepared to discuss the revised draft and recommendation to hold a new public hearing on the proposed Ordinance.

Town of Mansfield
Code of Ordinances

“An Ordinance Regarding Off Street Parking On Residential Rental Property”

March 17, 2010 Draft

REVISIONS to 1/11/10 draft are indicated as follows:

Additions are underlined _____

Deletions are bracketed []

Section 1. Title.

This Article shall be known and may be cited as the "Ordinance Regarding Residential Rental Parking."

Section 2. Legislative Authority.

This Article is enacted pursuant to the provisions of C.G.S. § 7-148, et seq., as amended.

Section 3. Findings and Purpose.

The Town Council of the Town of Mansfield finds that motor vehicle parking at [many] numerous residential rental properties, particularly those with one, two or three dwelling units, has created, on a regular and frequent basis, unsafe, blighted and congested conditions and other negative neighborhood impacts within the Town. This situation has been most common on properties within the Town's Rental Certification Zone that do not have adequately sized and delineated parking areas that safely accommodate all residents and their guests. The requirements set forth in this ordinance will promote neighborhood compatibility and the general [welfare,] safety, health, [and safety] and welfare of the people of Mansfield by helping to ensure safe vehicular and pedestrian ingress and egress, safe emergency vehicle and personnel ingress and egress and the preservation and enhancement of neighboring property values.

Section 4. Definitions.

For the purposes of this Article, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Lot: A tract, plot, parcel or other unit of land having fixed boundaries designated on a plot, survey or assessor's map, or in a deed.

Residential Rental Property: Any lot containing one, two or three rental dwelling units.

Section 5. Applicability.

This Article shall apply to any such Residential Rental Property situated within the Rental Certification Zone of the Town of Mansfield established in the Housing Code, Chapter 130-35 of the General Code of the Town of Mansfield, except Residential Rental Property owned by the State of Connecticut and Residential Rental Property containing a dwelling unit which is the primary place of residence of the owner in which he or she remains for more than one-half of the calendar year, which [is] are exempt. To qualify for exemption, any such owner occupant must be the record owner of a minimum 50% fee simple interest in said Residential Rental Property in his or her personal individual capacity only.

Section 6. Parking Space Site Plan Requirements.

Any Residential Rental Property within the Town's Rental Certification Zone shall contain designated and approved parking spaces set forth in a Parking Space Site Plan in compliance with the following standards:

A. [Any] All non exempt on-site parking on any Residential Rental Property within the Town's Rental Certification Zone shall be in spaces designated in a Parking Space Site Plan submitted by the property owner and approved by the Town per the requirements of this section as set forth below. Any parking violation of any such Plan may subject such parking violator to citation and fine pursuant to Section 10 of this Article.

B. Subsequent to that date which is thirty days after written notification by the Town to a Residential Rental Property owner of the requirements of this Ordinance and its applicability to the owner's Residential Rental Property, no Certificate of Compliance required by the Housing Code of the Town of Mansfield may be issued to an owner of such Residential Rental Property or renewed, unless the owner has submitted a Parking Space Site Plan to the designated Town official and gained official approval of the Plan. Any violation of this subsection may subject any such property owner to citation and fine pursuant to Section 10 of this Article.

C. All site work required to implement an approved Parking Space Site Plan shall be completed within ninety days of said approval unless an extension of time is sought and secured pursuant to Section 9 of this Article. Any violation of this subsection may subject any such property owner to citation and fine pursuant to Section 10 of this Article.

D. To satisfy the requirements of this Article, any Residential Rental Property owner within the Town's Rental Certification Zone shall submit to the designated Agent of the Town of Mansfield for approval a drawn to scale Parking Space Site Plan of the owner's Residential Rental Property that depicts property lines, driveways, sidewalks/bicycle paths, dwellings and structures, all proposed on-site parking spaces, existing and proposed landscaped areas, trees over 12 inches in diameter (measured 5' above grade) within the area where parking is proposed, fencing, and other site features that may affect parking locations. In addition, the Site Plan shall detail the surface material of the proposed spaces. Any failure to satisfy the requirements of this Section is a Plan

Violation which may subject such owner to a citation and fine pursuant to Section 10 of this Article. To be approved, any such Parking Space Site Plan shall meet the following criteria, except that a Modification of the criteria may be sought and secured in proper circumstances, per Section 8 of this Article:

1. The number of proposed on-site spaces shall be adequate for all tenant vehicles and a limited number of guest vehicles. Depending on site and occupancy characteristics, a minimum of two (2) exterior spaces and a maximum of six (6) exterior spaces shall be provided per dwelling unit.
- [2. The spaces shall be located on or within twenty (20) feet of an existing or proposed site driveway.]
- [3]. 2. No parking space shall be located within [ten (10)] five (5) feet of a roadside sidewalk or bicycle path [or twenty (20) feet of a street].
- [4]. 3. Parking spaces shall be a minimum of eight (8) feet wide and eighteen (18) feet long.
- [5]. 4. Parking spaces shall be designed so that a backing up movement onto an adjacent street is not required.
- [6]. 5. Except for parking areas immediately adjacent to an existing site driveway or parking areas situated over one hundred (100) feet from a street, parking shall not occur between the street and the subject dwelling.
- [7]. 6. Parking spaces shall be paved or surfaced with an acceptable dust free surface such as compacted stone, stone dust or gravel. Lawn areas or other landscaped areas are not acceptable surfaces for parking spaces.
- [8]. 7. No existing landscape area or lawn area shall be disturbed and no tree over twelve (12) inches in diameter shall be removed to create new parking spaces, unless no other acceptable parking spaces can be established on site.
- [9]. 8. Parking spaces shall be designed and graded to address potential drainage and/or winter icing problems and suitable areas shall be provided for snow storage.
- [10]. 9. There shall be a permanent barrier or barriers separating the parking area from the rest of the site.
- [11]. 10. Any necessary Inland Wetland Agency or Public Works Department permits shall be obtained prior to Parking Space Site Plan approval pursuant to this code.

Section 7. Fees.

A Parking Place Site Plan review fee in the amount of [Twenty]-~~Thirty~~ Five Dollars [(\$25)] (\$35) per dwelling unit must be submitted to the town along with the proposed Site Plan. No review will be done and no approval will be granted prior to payment in full of this fee.

Section 8. Modification of Parking Space Site Plan.

[If a designated Town official finds there are specific site constraints or other factors that would result in exceptional difficulty or unusual hardship in adhering to the strict letter of the foregoing Parking Place Site Plan Requirements and that a modification of said Site Plan Requirements would still comply with the intent and purpose of this Article while not diminishing public safety, said designated town official(s) may permit a modification in an individual case] In a situation where a parking area without observable or known traffic safety or neighborhood impact problems was established prior to the effective date of this ordinance or if lot size or configuration, structure locations, topography and other site constraints or other documented factors would make strict compliance with the criteria of Section 6 unreasonable, the Town designated official(s) reviewing a Parking Space Site Plan is authorized to approve modifications of the section 6 criteria. No modification shall be approved that would result in an unsafe situation or one that would be inconsistent with the findings and purpose contained in Section 3. The details of any modification permitted by this subsection must be recorded and entered into an appropriate town file.

Section 9. Extension of Time/ Temporary Waiver of Compliance.

Any applicant who has a written contract for the performance of work necessary to comply with this Article but whose implementation of required parking improvements is delayed may submit a written petition to an authorized town official seeking a Temporary Waiver of Compliance. The petition shall include information reasonably necessary for the Town official to make a decision and include a signed statement by the contractor specifying the date of beginning and expected date of completion of the work. If the Town official finds that the delay is reasonable, said official may issue a Temporary Waiver of Compliance expiring on the date when the work should be completed. The applicant shall request a site inspection by the Town official on or before such date of completion. Upon notification that the required improvements have been completed, the designated Town official shall inspect the property and either confirm compliance or list any violations of this Article that remain. Failure to complete improvements within an authorized Extension of Time may subject the property owner to citation and fine pursuant to section 10 of this Article.

Section 10. Enforcement; Violations, Citations and Fines.

A. The Town Manager shall designate in writing one or more Town officials empowered to take enforcement or other action authorized by this Article.

B. Any person violating the provisions of this Article by failing to file or gain approval of a Parking Space Site Plan, by failing to complete site work required by an approved Parking Space Site Plan within the time period required or authorized by this Article, or

by parking in an area on Residential Rental Property not designated for parking in a Town approved Parking Space Site Plan, shall be deemed to have committed an infraction and may be issued a citation. Said citation shall inform the person named therein of the allegations against him or her, the amount of the fine due, and the date on which payment of the fine is due, which shall be no later than 10 days after the date of the citation. Said citation shall be hand delivered, affixed to the vehicle or property, or mailed by certified mail, return receipt requested, addressed to the person named therein at his or her last known address. Citations shall be punishable with a fine of \$90 dollars for each violation. Each separate day that a violation exists after the issuance of a citation shall be subject to a separate additional fine without the issuance of a separate citation.

Any initial violation or infrequent violation may be addressed through the issuance of a warning rather than a citation, unless a significant safety or neighborhood impact problem is observed or significant damage has been done to a lawn or other landscape area due to parking in an unauthorized area.

C. In addition to any other remedy authorized by this chapter, if any such fine issued pursuant to the provisions of this chapter is unpaid beyond the due date, the Town may initiate proceedings under the authority of Connecticut General Statutes section 7-152c and Chapter 129 of the General Code of the Town of Mansfield, Hearing Procedure, to collect any such fine.

Section 11. Appeals Procedure.

Any person fined pursuant to this chapter may appeal such fine pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield.

Section 12. Word Usage.

Whenever used, the singular number shall include the plural, the plural the singular and the use of either gender shall include both genders.